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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,609	05/23/2001	Yukio Yanagisawa	P/1139-102	9319
32172	7590	04/05/2005	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) 41 ST FL. NEW YORK, NY 10036-2714			COFFY, EMMANUEL	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/863,609	YANAGISAWA ET AL.	
	Examiner	Art Unit	
	Emmanuel Coffy	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is responsive to the amendment filed on February 15th, 2005. Claims 1 and 3 were amended to improve their idiomatic English. Claims 1-3 are pending. They represent a System for an "Inter-Network Connection System."

Response to Arguments

2. In the remarks, applicant simply argued that the cited portions of Tajika et al. do not teach what is recited (applicant's amendment, page 5 (bottom)). Applicant went on to say that col.8, lines 66 through col. 9, line 7 merely states that for intra network communication a MAC address is used, and for inter network communication an IP address is used. Col. 4, lines 14-67 simply describes the basic workings of Tajika et al. as described in the foregoing. (applicant's amendment, page 6.)

These arguments have been fully considered but they are not persuasive. In response to Applicant's arguments, 37 CFR § 1.111(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections."

The Examiner maintains the reasons presented in the First Office Action as outlined below and the rejection is therefore sustained, all objections not addressed in Applicant's response are herein reiterated.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3 directed to a system are rejected under 35 USC 102(e) as being clearly anticipated by Tajika et al. (US 6,118,771).

Tajika teaches a packet transfer method and unit which can perform multicasting to specific terminals designated by a low-level layer address (e.g., MAC address) on the basis of a high-level layer address (e.g., IP address). (See col. 3, lines 61-65).

Claim 1:

Tajika teaches the invention as claimed including an inter-network connection system comprising:

IP layer switching means for switching an arrival frame to a predetermined route according to an IP table in which a physical transmission path and a logical channel corresponding to an IP address are recorded; and (See col. 8, line 66- col. 9, line 7; col. 4, lines 14-67).

MAC layer switching means for switching an arrival frame to a predetermined route according to a MAC table in which a physical transmission path and a logical channel corresponding to a MAC address are recorded, (See col. 8, line 66- col. 9, line 7; col. 4, lines 14-67).

wherein a plurality of physical transmission paths are arranged between the IP layer switching means and the MAC layer switching means, (See col. 21, lines 4-20).

the IP table includes means for, each time a frame from the MAC layer switching means arrives, updating self-table contents according to the IP address of the frame and the information of a physical transmission path and a logical channel through which the frame passes, (See col. 11, lines 34-col. 12, line 2).

the MAC table includes means for, each time a frame from the IP layer switching means arrives, updating self-table contents according to the MAC address of the frame and the information of a physical transmission path and a logical channel through which the frame passes, (See col. 12, line 36-col. 13, line 7).

means for detecting fault generation of the plurality of physical transmission paths is arranged, and (See col. 31, lines 38-42 and col. 12, lines 20-25).

means for updating the IP table such that a physical transmission path in which a fault is detected according to the detection result is bypassed. (See col. 5, lines 29-31).

Claim 2:

Taika teaches the invention as claimed including an inter-network connection system according to claim 1, wherein the IP layer switching means includes means for transmitting normality acknowledge signals passing through the plurality of physical

transmission paths to the MAC layer switching means, (See col. 33, line 52-col. 34, line 24).

the MAC layer switching means includes means for transmitting response signals of the normality acknowledge signals through physical transmission paths at which the corresponding normality acknowledge signals arrive, and (See col. 33, line 52-col. 34, line 24).

the means for detecting fault generation includes means for checking the normality of the physical transmission path depending on the presence/absence of the response signal. (See col. 6, lines 15-27 and col. 31, lines 38-42).

Claim 3:

Taika teaches the invention as claimed including an inter-network connection system comprising:

IP layer switching means for switching an arrival frame to a predetermined route according to an IP table in which a physical transmission path and a logical channel corresponding to an IP address are recorded; and (See col. 8, line 66- col. 9, line 7; col. 4, lines 14-67).

MAC layer switching means for switching an arrival frame to a predetermined route according to a MAC table in which a physical transmission path and a logical channel corresponding to a MAC address are recorded, (See col. 8, line 66- col. 9, line 7; col. 4, lines 14-67).

wherein a plurality of physical transmission paths are arranged between the IP layer switching means and the MAC layer switching means, (See col. 21, lines 4-20).

the IP table includes means for, each time a frame from the MAC layer switching means arrives, updating self-table contents according to the IP address of the frame and the information of a physical transmission path and a logical channel through which the frame passes, (See col. 11, lines 34-col. 12, line 2).

the MAC table includes means for, each time a frame from the IP layer switching means arrives, updating self-table contents according to the MAC address of the frame and the information of a physical transmission path and a logical channel through which the frame passes, (See col. 12, line 36-col. 13, line 7).

means for measuring the traffics of the plurality of physical transmission paths is arranged, and (See col. 33, lines 25-38).

means for updating the IP table such that a physical transmission path in which a traffic volume exceeding a threshold value is detected according to the measurement result is bypassed. (See col. 33, line 38-col. 34, line 5).

4. THIS ACTION IS MADE FINAL.

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***EC
March 21, 2005



SALEH NAJJAR
PRIMARY EXAMINER

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Patent Examiner
Art Unit 2157